

City of Elko)
County of Elko)
State of Nevada)

SS August 26, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 26, 2014.

This meeting was called to order by Mayor Chris Johnson.

NOTE: The order of the Agenda has been changed to reflect the order business was conducted.

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Dawn Stout, Administrative Services Director
Doug Gailey, Human Resources Manager
Shanell Owen, City Clerk
Ryan Limberg, Utilities Director
Dennis Strickland, Public Works Director
Rick Magness, City Planner
Scott Wilkinson, Development Manager
James Wiley, Parks and Recreation Director
Matt Griego, Fire Chief
Ben Reed, Jr., Police Chief
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Mark Gibbs, Airport Director
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

APPROVAL OF MINUTES: August 12, 2014 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. PowerPoint presentation on the Matrix Report Update Progress – **NON ACTION ITEM–INFORMATION ONLY**

Ben Reed, Jr., Police Chief, gave a presentation. (Exhibit “A”)

Mayor Johnson felt an annual report was a good idea but maybe it doesn't need to be specific to the Matrix Report.

Chief Reed agreed and suggested doing it after the end of the calendar year.

Mayor Johnson was interested in the effect of the 12-hour shift. The key to success for the City of Elko seems to be teamwork.

Chief Reed said we have to pace ourselves. We are in the middle of some significant organizational changes. That isn't a quick thing. An aircraft carrier doesn't just pivot and make a U-turn. It takes a 5 to 10 mile arc to turn that around. We are working on that and it takes time.

- B. Presentation-Get My Ride 2015 Three Year Plan – **NON ACTION ITEM – INFORMATION ONLY**

Rick Magness, City Planner, explained that Abby Wheeler requested that this be moved to the next meeting.

II. APPROPRIATIONS

- B. Review, consideration, and possible authorization for Staff to solicit bids for the Golf Course Road Reuse Line Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

A large section of ductile pipe failed last year near the geothermal injection point under Golf Course Road. The project involves replacing a large section of the ductile piping with HDPE piping. This project was approved in the FY 2014/2015 budget. FPS

Ryan Limberg, Utilities Director, explained in the backup documents you can see the condition of the pipe that we are requesting council authorization to go to bid on replacing. We would like to replace 650 feet of this pipe at the underpass on Golf Course Road by Flagview Drive. This project is budgeted. We will be coordinating this project with the school district and their geothermal disposal project.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve soliciting bids for the Golf Course Road Reuse Line Replacement Project.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of the final acceptance of the Public Works Department Micro Slurry Project - 2014, and matters related thereto. **FOR POSSIBLE ACTION**

At their July 8, 2014 meeting, Council awarded the City of Elko Public Works Department Micro Slurry Project–2014, to Sierra Nevada Construction. Pursuant to the contract, the City of Elko had the option of increasing or decreasing the quantity. An additional 19,799 square yards was added to City of Elko Parks Department parking lots and an additional 3,322 square yards of City Streets. Sierra Nevada Construction has placed 134,708 square yards (5.01 miles) of material to City Streets; 10,574 square yards at the Elko Municipal Airport; and 19,799 square yards to various Park parking lots for a total cost of \$281,618.87.
DS

Dennis Strickland, Public Works Director, explained everything has been satisfactorily completed and we got a little bit extra taken care of.

Councilman Rice thought it looked great with minimal disruption.

Mr. Strickland felt the citizens are getting used to this annual project. He didn't have to tow any vehicles this year.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve final acceptance of the Public Works Department Micro Slurry Project for 2014 in the amount of \$281,618.87.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible ratification of Staff's action to apply for and accept a Petfinder Foundation Annual Survey Vaccination Grant valued at one-thousand dollars (\$1,000.00), and matters related thereto. **FOR POSSIBLE ACTION**

The Petfinder Foundation is nonprofit organization that supports shelters and rescue groups that post their pets on Perfinder.com. Staff recently applied for the grant expecting that LASSO would be the recipient of the grant, but the grant was awarded to the City instead of LASSO. The grant award is included in the packet for review. DS

Dawn Stout, Administrative Services Director, explained this is a minimal grant. We have to do very little to comply with the requirements of the grant. We vaccinate our animals and try to spay and neuter all of them before they leave the shelter.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to ratify the staff's action to apply for and accept a Petfinder Foundation Annual Survey Vaccination Grant valued at \$1,000.**

The motion passed unanimously. (5-0)

- E. Review for possible consideration the transfer of ownership of the Elko Police Department's 1997 Ford armored truck to the Cache County, Utah Sheriff's Office for the purpose of special operations, and matters related thereto. **FOR POSSIBLE ACTION**

The 1997 Ford model 7000 armored truck, used by the Elko Special Response Team for special operations, is near the end of its useful life. The vehicle has 138,000 miles and is in need of new exterior paint, engine repair work, and other miscellaneous upgrades. In fall 2013, the Elko Police Department took possession of a used armored patrol vehicle via the U.S. Military 1033 Program. After communicating with all Nevada Law Enforcement agencies and finding no willing recipient, the Cache County, Utah Sheriff's Office indicated a need for our old armored truck. Members of their agency and the Elko Police Department have previously trained together in West Wendover, Nevada. Due to its special nature it was determined this may be a proper use and disposition of the vehicle. BR

Chief Reed explained we are at the end of this transition with the armored truck. It has taken us a while to find a proper disposition for this old piece of equipment. The law allows for us to transfer it to another governmental entity and we have that later in the agenda.

Councilwoman Simons asked if money changed hands. (no)

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the transfer of ownership of the Elko Police Department's 1997 Ford armored truck to the Cache County, Utah Sheriff's Office.**

The motion passed unanimously. (5-0)

V. RESOLUTIONS AND ORDINANCES

- B. Review, consideration, and possible approval of Resolution No. 30-14, transferring ownership of the Elko Police Department's 1997 Ford armored truck to the Cache County, Utah Sheriff's Office for the purpose of special operations, and matters related thereto. **FOR POSSIBLE ACTION**
On August 26, 2014, the Council reviewed and considered this request. Per NRS 268.028, if Council approves of the transfer, it must be done by Resolution after review and consideration. BR

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve Resolution No. 30-14 transferring ownership of the Elko Police Department's 1997 Ford armored truck to the Cache County, Utah Sheriff's Office.**

The motion passed unanimously. (5-0)

II. APPROPRIATIONS (Cont.)

- F. Review, consideration, and possible award of a contract for the Silver Street CDBG Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the July 8, 2014 Council meeting, Staff was authorized to solicit bids for the Silver Street CDBG Project. No bids were received at the August 7, 2014 bid opening. At the August 12, 2014 Council meeting Staff was directed to extend the bids until August 12, 2014. A bid tab will be provided for Council to review. JD

Jeremy Draper, Civil Engineer, explained staff doesn't feel these numbers were appropriate and that the bids are way over what they should be. He asked council to reject all bids and then go to rebid this winter. This is a CDBG project and we have been in contact with the State of Nevada/CDBG. We have explained the situation and requested an extension of the funds available. As far as we can tell they are in agreement with the reasoning behind this and we hope to get better numbers this winter for construction in the spring.

Mr. Strickland said that people have a lot on their plates. Contractors have asked that the 9th Street Bridge be moved to next spring because they are very busy.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to reject all bids of the Silver Street CDBG Project and to rebid it at a later date.**

The motion passed unanimously. (5-0)

III. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 5-14 for the Tower Hill Unit 1 subdivision, filed by Jordanelle Third Mortgage LLC, for the proposed division of approximately 33.804 acres into 23 lots and two remainder parcels for residential development within an R1 (Single Family Residential) Zoning District located generally southeast of the terminus of Stitzel Road (APN 001-920-079), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on August 5, 2014 and took action to forward a recommendation to Council to conditionally approve the Final Plat. SW

Scott Wilkinson, Development Manager, explained the Planning Commission action report is included in the packet with all of the conditions listed. They had a couple minor revisions to the plat that had to occur before council consideration of the plat. The current proposed plat is in the packet. Representatives are present in chambers if there are any questions.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to conditionally approve Final Plat No. 5-14 for the Tower Hill Unit 1 subdivision subject to the conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- A. Review, consideration, and possible approval of Revocable Permit No. 3-14, filed by McGinley & Associates on behalf of City Laundry and Vogue Cleaners LLC, to occupy a portion of the Silver Street right-of-way located generally on the southeast side of Silver Street adjacent to 175 5th Street, to accommodate installation of a soil vapor extraction/groundwater recovery well, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed well is part of a remedial action plan for 175 5th Street being conducted by McGinley and Associates and overseen by Nevada Division of Environmental Protection. RM

Rick Magness, City Planner, explained this item is a well cap that will be in the sidewalk. We asked that a condition be added that would say “upon abandonment of this well that the sidewalk would be restored to its original state or condition.”

Mayor Johnson asked what Vogue did before that was similar.

Jeremy Draper, Civil Engineer, answered this is an extension of what they have done before.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Revocable Permit No. 3-14, subject to the execution of a standard license agreement with the applicant and the City of Elko, and that upon abandonment of this well, the sidewalk is to be restored to the original condition.**

The motion passed unanimously. (5-0)

V. RESOLUTIONS AND ORDINANCES (Cont.)

- A. First reading of Ordinance No. 788, an ordinance amending Title 3, Chapter 2, Section 5 of the Elko City Code entitled "RESIDENTIAL ZONING DISTRICTS" by adding language to clarify existing private garage setbacks, filed and processed as Zoning Ordinance Amendment No. 2-14, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission took action to initiate an amendment to the zoning ordinance during its July 1, 2014 meeting. It then held a public hearing on August 5, 2014 and took action to forward a recommendation to Council to adopt an ordinance which approves the zoning ordinance amendment. RM

Mr. Magness explained this item is to help clarify our private garage set-backs. This is a housekeeping item. It is to allow for garages that are years old and sitting on a lot. This will clean up how applicants are using their garages in their residential areas and making it conforming when those things are reviewed.

Scott Wilkinson, Development Manager, said the code currently prohibits utilizing the front yard setback for parking. It isn't an imposition beyond what the code already requires.

Councilman Rice asked about non-conformance garages. Can we approach homeowners and have them remove them?

Mr. Magness answered said we don't want to do that unless it is new construction.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to conduct First Reading of Ordinance No. 788 and direct staff to set the matter for Public Hearing, Second Reading and Possible Adoption.**

The motion passed unanimously. (5-0)

II. APPROPRIATIONS

A. Review and possible approval of Warrants. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the warrants.**

The motion passed unanimously. (5-0)

VII. REPORTS

A. Mayor and City Council

Mayor Johnson asked if everyone got signed up for League of Cities. Curtis Calder answered yes.

B. City Manager

Curtis Calder said the Nevada League of Cities will be held starting September 23rd through the 25th in North Las Vegas. You should have received an email from the Governor's Office regarding the Sesquicentennial Train that will be here on Thursday at 2:30 pm.

C. Assistant City Manager

Delmo Andreozzi reported on the status of developing a TUP for camping on city property. Staff has met with members of FISH and our legal team and we see this going down as a license agreement. There is a vacant 2 acre parcel next to FISH that staff has spoken to the owners about selling because that property would be in a better position than the city parcel on Hot Springs Rd. We received a complaint that there was trash debris at a campsite. We went to the site and spoke to the campers and Elko Sanitation has agreed to help out by providing a dumpster.

D. Utilities Director

E. Public Works

F. Airport Director

Mark Gibbs and Council talked about the B25 bomber that is at the airport.

G. City Attorney

H. Fire Chief

Matt Griego handed out the latest edition of the Fire Watch Newsletter. (Exhibit "B") He also reported on some of the activities they have been doing.

- I. Police Chief
Chief Reed reminded everyone that this Friday is a parade for the County Fair. The uniform change to the dark shirts will be this Sunday.
- J. City Clerk
- K. City Planner
- L. Development Manager
Scott Wilkinson reported there has been some communication between Artisan Group and Newmont. Elko Mountain Village is starting to talk to the city again and they have expressed a desire to talk to council some more.
- M. Administrative Services Director–FY 2013/2014 Subsequent Budget Transfers
*Doug Gailey gave an update on the union contract negotiations.
Dawn Stout reported on the subsequent budget transfers for FY 2013/2014.*
- N. Parks and Recreation Director
James Wiley said not much has changed since the last meeting. Home Track is in place thanks to riders and volunteers.
- O. Civil Engineer
- P. Building Official

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 786, an Ordinance providing for the issuance by the City of Elko of its General Obligation (Limited Tax) Medium-Term Public Safety Bonds, Series 2014 for the purpose of acquiring, constructing, improving and equipping a building project; providing covenants, agreements and other details concerning the bonds, the project and general tax proceeds; ratifying action previously taken and pertaining to the foregoing by the City and its officers and employees, and matters thereto. **FOR POSSIBLE ACTION**

This is the final action required for the City's issuance of General Obligation (Limited Tax) Medium-Term Public Safety Bonds for the construction of the City's new Police facility. DS

Dawn Stout, Administrative Services Director, explained bond and financial counsel were unable to attend tonight but they are available by phone if there any questions for them.

John Carpenter said he still has great concern over what is happening here. Why issue \$3 million in bonds when it is not necessary? He noted the application was not made out right to taxation. He was told he was correct via email correspondence but they went ahead and ok'd it. (Exhibit "C") He has not heard a good excuse as to why taxpayers need to pay that much money on this location over other locations. Unless the city has money stashed away, there won't be any money for fixing streets in the future. He felt the city only has 5-6% cushion going into the bond situation. The way things are going, if they change the constitution and take the mines out of it, making the mines pay more, so we might see a real downturn in mining.

Mayor Johnson noted this has been a real discussion. People signed the petition just because they thought the city was going to use gas tax money. He wasn't sure how the city is using gas tax money to pay this.

Ms. Stout directed council to the budget presentation that shows what revenue will be used to pay each of the bonds. We are not taking money away from our streets. The RTC tax is not being used to pay for the Police Building.

Councilman Rice noted that Mr. Carpenter's correspondence was not received by the city.

John Carpenter said unless the tax commission is all wrong then there is no question that you are using gas tax revenue to pay for this. That is what is being used to pay for the bonds. RTC funds are gas tax funds.

Mayor Johnson noted saying we will use gas tax money to pay for the Police Department is a fabrication. There is no way the City of Elko could use gas tax money to fund anything other than streets. Many people signed the petition because they were told by someone the city was using gas tax money for this even though that is not true. The City of Elko is collecting over \$400,000 in property tax dollars but only spending \$340,000 on the Police Station bond. Property tax is paying for the bond.

John Carpenter said you are taking the gas tax money to pay for Idaho Street.

Mayor Johnson noted that is a street project.

Councilman Schmidlein said the additional 2.5 cents that was generated through the RTC, putting that in there, they took money that along with 7 cents RTC money. The ad valorem fund was subsidizing the Idaho Street bond, they have taken that 2.5 cents and put that towards it which freed up other funding mechanisms. He understood where Mr. Carpenter was coming from and doesn't agree with how they were able to come up with the money because he feels that additional 2.5 cent tax should go into maintaining roads. They moved money around and it is correct as to how they are funding the Police Station. It is not being funded through the gas tax.

John Carpenter said indirectly they are using the money to pay for the Police Department and he doesn't think there is any way to get around it.

Councilwoman Simons said there a lot of opinions on money from the county that they passed to use for roads. We may not have chosen the road project that a lot people wanted us to use that for but it is being spent on roads.

Councilman Keener thought this issue has been vetted more thoroughly than anything that has probably ever been before the city.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Ordinance No. 786.**

The motion passed. (4-1 Councilman Schmidlein voted no.)

- B. Second reading, public hearing, and possible adoption of Ordinance No. 787, an ordinance amending Title 2, Chapter 13, Section 3 of the Elko City Code entitled

“SIDEWALK, CURB AND GUTTER CONSTRUCTION,” requiring construction of sidewalk, curb and gutter upon lots or parcels of land which are merged or divided and allowing the City Development Department to request a waiver of sidewalk, curb and gutter in certain circumstances where equivalent or superior improvements in the vicinity are determined to be adequate by Council, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

The code amendment is proposed to eliminate ambiguity with regard to installing sidewalk, curb and gutter when lots or parcels are merged or divided and, separately, upon the request of the Development Department, to allow Council to waive some or all of the requirements of this section of code where other public improvements in the vicinity of the affected lot or parcel are sufficient to satisfy the need for sidewalk, curb and/or gutter. An example would be the consideration of a multi-use path on the State Route 227 between Pinion Road and Errecart Boulevard rather than constructing sidewalk curb and gutter on both sides of the roadway. SAW

Scott Wilkinson, Development Manager, explained he went over a couple of examples that led to the revision of the ordinance.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Ordinance No. 787.**

The motion passed unanimously. (5-0)

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Councilman Keener thanked Mayor Johnson for setting the record straight about misinformation regarding gas tax money being used to fund the Police Department.

There being no further business, Mayor Chris Johnson adjourned the meeting.

Mayor Chris Johnson

Shanell Owen, City Clerk